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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,965	06/28/2000	Mark Kirkpatrick	BS00-055	6374

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EXAMINER

OPSASNICK, MICHAEL N

ART UNIT PAPER NUMBER

2626

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/604,965

Applicant(s)

KIRKPATRICK, MARK

Examiner

Michael N. Opsasnick

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/12/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8,10-25,27-31,33,34,36-40 and 42-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-25,27-31,33,34,36-40 and 42-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/7/2004 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,2,4-8,10-25,27-31,33,34,36-40,42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein (5479411) in view of Sit et al (6349336) in further view of Cooper et al (6052442) in view of Seshadri(6249808).

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As per claims 1,7,8,13,14,22,26,28,34,39,42, Klein (5479411) teaches an email notification system comprising:

“an email server.....stored” as email network (col. 4 lines 20-25)

“an email notification.....email message” as retrieving email in a convention email system (col. 4 lines 20-25)

“a header extraction process.....email” as extracting header email info (col. 2 lines 40-50)

“a text to speech converter....information.....voicemail message” as converting the header email and delivered a voice mail message (col. 2 lines 20-40);

“wherein the voicemail server includes a process to notify the subscriber of the voicemail message” as teaching notifying the subscriber of the voicemail message containing the converted header information (col. 6 lines 1-22)

Klein (5479411) does not explicitly teach the details of the polling process, however, Sit et al (6349336) teaches the communication protocols involving email servers, especially with automatic polling (col. 4 lines 45-60). Therefore, it would have been obvious to one of ordinary skill in the art of email communications to automatically periodically poll an email server because it would advantageously allow for updating and monitoring the performance of the server (Sit et al (6349336) col. 4 lines 55-60).

The combination of Klein (5479411) in view of Sit et al (6349336) does not explicitly teach checking for new email messages when a predetermined amount of time as elapsed,

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however, Cooper et al (6052442) teaches periodic checking for new email at predetermined intervals (Cooper et al (6052442), col. 8 lines 7-12; col. 8 lines 14-37). Therefore, it would have been obvious to one of ordinary skill in the art of retrieving emails to modify the teachings of Klein (5479411) in view of Sit et al (6349336) to automatically retrieve new emails at periodic intervals because it would advantageously allow the user to specify the time of day to retrieve new emails, without having to be there physically (col. 8 lines 18-20).

The combination of Klein (5479411) in view of Sit et al (6349336) in further view of Cooper et al (6052442) does not explicitly teach the polling, communication, or the splitting of the email and voicemail messages, along with status changes, and header tracking, however, Seshadri(6249808) teaches the splitting of a message into voicemail and email, wherein communication between the individual servers occurs (Fig. 1; Fig. 3, Fig. 5; col. 4 line 57 – col. 5 line 30). Therefore, it would have been obvious to one of ordinary skill in the art of voice/email messaging to modify the teachings of the combination of Klein (5479411) in view of Sit et al (6349336) in further view of Cooper et al (6052442) with a email to voicemail notification process because it would advantageously distinguish special purpose email/voicemail from conventional emails (Seshadri(6249808), col. 2 lines 1-15; col. 1 lines 50-60)).

As per claims 2,13,14,40, the combination of Klein (5479411) in view of Sit et al (6349336) in view of Cooper et al (6052442) in further view of Seshadri(6249808) teaches

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notifying the subscriber of the voicemail message containing the converted header information
(Klein (5479411), col. 6 lines 1-22)

As per claims 5,6,11,12,15,17,25,31,36,38,43,44, the combination of Klein (5479411) in view of Sit et al (6349336) in view of Cooper et al (6052442) in further view of Seshadri(6249808) teaches control protocols (Klein (5479411), col. 3 lines 46-67)

As per claims 4,10,12,16,23,24,29,30,37,45, the combination of Klein (5479411) in view of Sit et al (6349336) in view of Cooper et al (6052442) in further view of Seshadri(6249808) teaches multiple email accounts and servers (Klein (5479411), col. 4 lines 20-31; furthermore, the combination of the Klein in view of Sit teaches multiple email accounts, and in combination with Cooper, teaches multiple email account access with for multiple user, who would have the option of checking email at their discretion, or in other, at different times)

As per claims 18-20, the combination of Klein (5479411) in view of Sit et al (6349336) in view of Cooper et al (6052442) in further view of Seshadri(6249808) teaches contact information (Klein (5479411), col. 4 lines 2-19; and col. 5 lines 1-24)

As per claims 21,27,33,46, the combination of Klein (5479411) in view of Sit et al (6349336) in view of Cooper et al (6052442) in further view of Seshadri(6249808) teaches email information can include other types of media (Klein (5479411), col. 6 lines 27-50).

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Response to Arguments

4. Applicant's arguments filed 10/12/2004 have been fully considered but are moot in view of the new grounds of rejection. Examiner notes the introduction of the Seshadri(6249808) reference to address the separation of a message into voice and email, along with header information, protocol sharing, and the like, as claimed in the amended claim language.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see related art listed on the PTO-892 form.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno
7/23/06



Michael N. Opsasnick
Examiner
Art Unit 2626